

Chapter CCXII.¹

PRIVATE AND DISTRICT OF COLUMBIA BUSINESS.

1. Rule for considering private business on Saturday. Sections 846–850.
 2. Motions in relation to private business. Sections 851–853.
 3. Unfinished private business. Sections 854, 855.
 4. Distinction between private and public bills. Sections 856–859.
 5. Private bills not to be made general. Sections 860–871.
 6. Rule and practice as to District of Columbia. Sections 872–880.
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846. On Saturday of each week it is in order to move to resolve into the Committee of the Whole House to consider business on the Private Calendar.

Bills on the Private Calendar for three days are called in their order and considered unless objection is entered or reserved.

If objection is entered or reserved 10 minutes debate is allowed and unless three Members then object the bill is considered under the 5-minute rule.

If three Members object the bill is entered on the deferred list from which bills have first call in their order for consideration under the 5-minute rule on the last Saturday of each month.

Bills reported back adversely by the committee when called up from the deferred list are automatically recommitted and may not be again reported during the same Congress.

Present form and history of section 6 of Rule XXIV.

Section 6 of Rule XXIV provides:

On Saturday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to move that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar. In the Committee of the Whole House the Chairman shall direct the Clerk to call the bills in numerical order that have been upon the Private Calendar for three legislative days. When the Clerk shall have read the bill the same shall be considered unless objection or reservation of objection is made to immediate consideration. Should objection or reservation of objection be made there shall be 10 minutes' general debate to be divided, 5 minutes controlled by the Member offering the objection or reservation and 5 minutes controlled by the chairman of the committee reporting the bill, or, in his absence, by any Member supporting the bill. If, after such debate, three objections are not forthcoming, the bill shall be considered under the 5-minute rule: *Provided, however,* That the total debate under the 5-minute rule shall not exceed 20 minutes. After the debate hereinbefore referred

¹Supplementary to Chapter LXXXIX.

to, or when the bill is first called, if objection is made by three Members to the consideration of the bill, then the same shall be passed over and carried to a list designated as "deferred." It shall be in order for the bills on the "deferred list" to have the first call in their numerical order when the Private Calendar is called on the last Saturday of each month. At this time the bills on the "deferred list" shall be considered under the general rules of the Committee of the Whole House with 10 minutes' general debate to be divided equally, with 5 minutes controlled by the chairman of the committee reporting the bill or other Member supporting the bill and 5 minutes controlled by any Member objecting or opposing the bill. After the debate the bill shall be read for amendment under the 5-minute rule: *Provided, however*, That the total debate under the 5-minute rule shall not exceed 20 minutes. If, however, after such consideration the Committee of the Whole House acts on the bill adversely, it shall be laid aside until the committee arises, whereupon it shall be reported back to the House with the adverse recommendation. Any bill under this rule reported back to the House with an adverse recommendation shall automatically be recommitted to the committee reporting it, and said bill shall not again be reported during the same Congress.

On March 8, 1900,¹ the old rule providing for evening sessions on Fridays for the consideration of pension bills and bills removing political disabilities and charges of desertion, was superseded by a special order assigning the second and fourth Fridays of each month for the consideration of this business.

On March 14,² the former rule setting apart Fridays for the consideration of private business was also displaced by a special order assigning the consideration of bills reported from the Committee on Claims and the Committee on War Claims to the remaining Fridays of the month.

These special orders were retained without alteration by each succeeding Congress until the Sixty-second Congress,³ when both rules, long obsolete, were discontinued and the two special orders were embodied in a rule providing for consideration of the Private Calendar on Fridays, alternating between pension bills on the second and fourth Fridays and claims on the remaining Fridays of the month. However, with rare exceptions, the provision was not invoked during entire sessions, the Private Calendar being considered once or twice each session under special orders, and on April 23, 1932,⁴ the rule was revised and adopted in its present form. The rule as revised is subject to some of the objections urged against its predecessor and it is still necessary to resort to special orders to clear congested calendars.⁵

847. The rule providing for consideration of the Private Calendar on Saturdays divides the time for debate between the Member objecting and the chairman of the committee reporting the bill and neither may yield time to another.

At the conclusion of the debate on a bill called up from the Private Calendar, a motion is in order to lay it aside with favorable or adverse recommendation.

The proceedings observed on the first consideration of the Private Calendar under the new rule.

¹ First session Fifty-sixth Congress, Journal, p. 329.

² Journal, p. 351.

³ First session Sixty-second Congress, Record, pp. 18, 80.

⁴ Third session, Seventy-first Congress, Record, p. 3723.

⁵ Second session, Seventy-second Congress, Record, pp. 2705, 3218, 3633, 3733, 4278, 4846, 5397; H. Res. 374.

On May 20, 1932,¹ on motion of Mr. William B. Bankhead, of Alabama, the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, and the Chairman² announced:

The House is in Committee of the Whole House for the consideration of bills on the Private Calendar under clause 6 of Rule XXIV of the House.

The Clerk will call the first bill on the Private Calendar.

The first bill having been called, Mr. William H. Stafford, of Wisconsin, under reservation of the right to object to consideration, reminded the Chair that this was the first bill to be taken up under the new rule providing for the consideration of bills on the Private Calendar, and asked that the rule be interpreted.

The Chairman agreed:

The rule provides an initial 10 minutes of general debate, 5 minutes controlled by the Member offering the objection or reservation and 5 minutes controlled by the chairman of the committee reporting the bill or in his absence by any Member supporting the bill. I think the word "controlled" would grant to either the Member objecting or reserving the right to object, and to the chairman of the committee or the proponents of the bill the right to control five minutes' time.

Mr. Philip D. Swing, of California, submitted a parliamentary inquiry as to whether Members so entitled to time under the rule might yield time thus allotted, and explained that the Chairman reporting a bill was frequently not familiar with all the facts relating to it and should be in a position to yield to others, and particularly to the author of the bill, if occasion required.

The Chairman dissented:

If the gentleman from California will refresh his recollection about the rule, he will find that under the rule the control of the time is specifically given to the chairman of the committee, or, in his absence, to some Member who is in favor of the bill.

The Chairman continued:

Is there any opposition to the bill? If not, the Chair will recognize the chairman of the committee to make a motion that the bill be laid aside, to be reported back to the House with a favorable recommendation.

Mr. John J. Cochran, of Missouri, proposed:

Mr. Chairman, I move that the bill be laid aside to be reported back to the House with a favorable recommendation.

The motion was agreed to.

848. A Member could not yield time allotted under the former rule providing for the consideration of the Private Calendar.—On May 20, 1932,³ a day devoted to the consideration of bills on the Private Calendar under the rule, the Committee of the Whole House was considering the bill (H. R. 1034) for the relief of Morris Dietrich, when Mr. Jeff Busby, of Mississippi, submitted a parliamentary inquiry as to whether a Member to whom time had been allotted for debate on the pending bill under the rule might yield a portion of the time to others. Mr.

¹ First session, Seventy-second Congress, Record, p. 10822.

² William B. Bankhead, of Alabama, Chairman.

³ First session, Seventy-second Congress, Record, p. 10827.

Busby referred to the phraseology of the rule and argued that the use of the word "controlled" indicated authority to yield.

The Chairman¹ said:

The Chair is convinced that the rule itself anticipated that the gentleman being recognized should control the time, five minutes, if he desired, and that he should not parcel it out by one minute or two minutes or one-half minute.

849. The objection by three Members when a bill was first called on Private Calendar Saturday precluded debate thereon and the bill was referred to the deferred list forthwith.—On May 20, 1932,² during a call of the Private Calendar under the rule, the Clerk called the bill (H. R. 1034) for the relief of Morris Dietrich.

Mr. LaFayette L. Patterson, of Alabama; Mr. Thomas L. Blanton, of Texas; and Mr. William R. Eaton, of Colorado, entered immediate objections to the consideration of the bill.

The Chairman¹ announced:

Under the rule, the sponsor of the bill or the chairman of the committee has a right to explain its provisions.

Mr. Patterson, rising to a point of order, took issue with the Chairman's interpretation and submitted that under the provisions of the rule the three objections precluded debate.

The Chairman overruled the contention but later in the proceedings adverted to the question and said:

A question has been raised, and upon it the present occupant of the chair rendered an opinion which, upon reflection and reconsideration, the Chair now believes was erroneous and improper.

A question was raised whether or not a proper construction of the rule did not provide that if there were instantly three objections to the consideration of a bill that would carry it over to the "deferred list," without the privilege of occupying the 10 minutes of debate.

In the opinion of the Chair, in reflecting upon the discussions upon the adoption of the rule before the Committee on Rules, and by a very careful reading of the proviso in the rule, the Chair is clearly of the opinion that the somewhat hasty decision reached a few moments ago is in error, and the Chair is now of the opinion that if a bill is called and three members of the committee rise and object to its consideration that automatically carries it to the "deferred list."

Subsequently³ on the same day, Mr. Burton L. French, of Idaho, raised the same question.

The Chairman reiterated:

The rule does not provide for five minutes' debate if three objections are made. It is immediately carried to the deferred list.

It reads:

After the debate hereinbefore referred to, or when the bill is first called, if objection is made by three Members to the consideration of the bill, then the same shall be passed over and carried to a list designated as "deferred."

¹ William B. Bankhead, of Alabama, Chairman.

² First session, Seventy-second Congress, Record, p.10826.

³ Record, p. 10827.

850. A bill indirectly conferring a pensionable status is in order on a day set apart under the rule for the consideration of private pension bills.

On Friday, February 25, 1910,¹ (a day set apart under the rules, for the consideration of private pension bills,) in the consideration of pension bills on the Private Calendar, the bill H. R. 17838, for the relief of George W. Flack, was reached

Mr. James R. Mann, of Illinois, raised the following point of order:

Mr. Speaker, I raise the point of order that this bill can not be considered to-day for the purpose of getting a ruling upon this class of bills. The rules provide:

"The second and fourth Friday in each month, after disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills to remove charges of desertion."

This bill is a bill providing that in the administration of the pension laws George W. Flack shall be deemed and taken to have been honorably discharged from the military service. Of course, it is in order to-day only on one of two grounds—either that this bill removes the charge of desertion, or it is a bill granting a pension.

The Committee on Military Affairs, I notice, has adopted this form of bill in preference to the form of bill that used generally to be used directly removing the charge of desertion.

Personally, I think the present form is much superior to the old form. Of course, if this bill is in order to-day it would not be in order on the day that claims or war claims are in order. If it is not in order to-day it would be in order on those days. I raise the question solely for the purpose of having a ruling, in order that the House and Clerk may know what day these bills shall be considered. Plainly, they are in order on one of the Fridays.

The Speaker² held:

The Chair is inclined to hold that this bill and amendment would substantially be entitled to consideration to-day as a pension bill. It provides—

"That in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, George W. Flack, now a resident of Pennsylvania, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Fifth Regiment U. S. Veteran Volunteer Infantry, on the 16th day of June, 1866: *Provided*, That no pension shall accrue prior to the passage of this act."

Now, that does not change the record. The greater includes the less, and the effect, in the opinion of the Chair, of this bill, if enacted into law, would be to give the soldier a pensionable status under the general law. The Chair, therefore, overrules the point of order.

851. After the disposition of all bills belonging to the class of business in order under the former rule on a particular Friday, it was held to be in order to take up in regular order any business on the Private Calendar.

On December 17, 1908,³ a day devoted to the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion, the business in order under this provision of the rules having been concluded, Mr. James R. Mann, of Illinois, as a parliamentary inquiry, asked if it were in order to resolve into the Committee of the Whole House for the consideration of bills on the Private Calendar.

¹ Second session Sixty-first Congress, Record, p. 2414.

² Joseph G. Cannon, of Illinois, Speaker.

³ Second session Sixtieth Congress, Record, p. 383.

The Speaker¹ said:

The gentleman will recollect that the rule has been, and as the Chair recollects the practice of the House has been, that after all pension bills on the Private Calendar to-day are disposed of the House can go ahead in the Committee of the Whole House to consider other bills, it being still Friday. The Chair's recollection of the rule is that, this being pension day, and the business of pensions having been concluded by the House, it would first be in order on to-day to take up desertion cases which are passed with pension bills, and then it would be in order, if they should be finished, to consider the Private Calendar generally. This is pension day. Now, that business having been concluded, it would be in order, as the Chair understands, for the House to go into Committee of the Whole for the consideration of bills upon the Private Calendar; and under the rules of the House, this being pension day, the desertion bills would have first right of way, pension bills having been concluded; and if that right of way is not claimed, or if that order of business should be finished, then any other bills on the Private Calendar would be in order, as the Chair understands. Under the rule pension bills formerly took up all day. Latterly they have not taken up all day, and the House has not seen proper to go into the committee to consider other bills in order; but under the rule it is quite within the power of the House, in the opinion of the Chair, to go now into the Committee of the Whole House for private business, or to do anything else that it desires to do.

852. On Friday, March 25, 1910,² on which the consideration of private pension bills was in order under the rule, after all pension bills on the calendar had been disposed of, Mr. William Sulzer, of New York, moved that the House resolve into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. James R. Mann, of Illinois, made the point of order that the motion could not be entertained.

The Speaker¹ said:

The gentleman will recollect that two years ago, during the last Congress, the gentleman raised the question which the gentleman now raises, and after consideration a ruling was made, a copy of which ruling the Chair has in his hand, holding that the motion was in order after pension bills had been disposed of. The Chair overrules the point of order. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

853. Under the former rule, the House could dispense with business in order under the rule by voting affirmatively on a privileged motion to resolve into Committee of the Whole to consider general appropriation or revenue bills.

On Saturday, February 18, 1911³ (legislative day of Friday, February 17), Mr. George E. Foss, of Illinois, moved that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the naval appropriation bill.

Mr. Swagar Sherley, of Kentucky, made the point of order that the day was set apart by the rules for the consideration of private business, and the motion was therefore not in order.

The Speaker¹ said:

¹ Joseph G. Cannon, of Illinois, Speaker.

² Second session Sixty-first Congress, Record, p. 3771.

³ Third session Sixty-first Congress, Record, p. 2849.

If the gentleman will examine the uniform practice of the House and the precedents he will find that on Friday, private-bill day, as well as on District day on Monday, a motion to go into Committee of the Whole House on the state of the Union to consider a general appropriation bill or a revenue bill takes precedence of a motion to go into Committee of the Whole House.

854. In the absence of an order for the previous question, business undisposed of at adjournment comes up as unfinished business only on the next day when that class of business is again in order and not on the next legislative day.

On Friday, September 5, 1919,¹ the Committee of the Whole House rose and the Chairman reported certain bills without amendments and with the recommendation that they pass.

No demand being made for the previous question, Mr. John N. Garner, of Texas, as a parliamentary inquiry, asked whether the bills so reported, if undisposed of, would come up on the following day as unfinished business.

The Speaker² held that they would go over as unfinished business to the next day on which that class of business was again in order.

855. Under the former rule, when the House resolved into the Committee of the Whole House for the consideration of bills on the Private Calendar, a bill unfinished at adjournment on a previous day took precedence of other bills on the Private Calendar.

On May 13, 1910,³ the House resolved into the Committee of the Whole House for the consideration of bills on the Private Calendar, and the Chairman⁴ directed the Clerk to call the first bill.

The Clerk called the bill (H. R. 13517) authorizing a credit in certain accounts of the Treasurer of the United States, when Mr. Courtney W. Hamlin, of Missouri, submitted that the bill (H. R. 15103) to reimburse an Indian agent for money advanced, and remaining undisposed of at adjournment of the previous Friday, was the unfinished business.

The Chairman sustained the point of order and directed the Clerk to call the unfinished business.

856. A bill dealing with classes is a public bill as distinguished from a private bill for the benefit of individuals.

After consideration has begun, it is too late to raise the point of order that a bill is on the wrong calendar.

On January 21, 1910,⁵ the House was considering, in the Committee of the Whole House the bill (H. R. 6043) for the relief of registers of the United States land offices, reading as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to registers and

¹ First session Sixty-sixth Congress, Record, p. 4951.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Second session Sixty-first Congress, Record, p. 6233.

⁴ David J. Foster, of Vermont, Chairman.

⁵ Second session Sixty-first Congress, Record, p. 873.

former registers of United States land offices money earned by them for issuing notices of the cancellation of entries subsequent to July 26, 1892, which money, under the instructions of the Secretary of the Interior, they were erroneously required to deposit in the United States Treasury, contrary to the provisions of the act approved July 26, 1892: *Provided*, That such refund shall be made only of money deposited subsequent to the approval of the act of July 26, 1892, and shall be made upon accounts stated and certified by the Secretary of the Interior: *And provided further*, That said refund shall be made of only such fees which have not entered into the compensation paid to such registers out of the appropriation for salaries and commissions of registers and receivers for any fiscal year.

Mr. James R. Mann, of Illinois, offered the following amendment:

Add a new section, to read as follows:

"SEC. 2. Hereafter all money or fees received or collected by registers of the United States land offices for issuing notices of cancellation of entries shall be reported and accounted for by such registers in the same manner as other funds or moneys received or collected."

Mr. Edgar D. Crumpacker, of Indiana, raised the point of order that the amendment was of a public nature and not germane to a private bill.

The Chairman ¹ ruled:

The reading of this bill showed to the satisfaction of the Chair that it is a public bill. It deals with people in a general class, and is general in its terms. It is not for the relief of any particular individual and must therefore be considered a public bill. It is on the Private Calendar, but has been under consideration and has been considered for two hours, and it is too late to make the point of order against it as a public bill on the Private Calendar. The Chair therefore holds that it is a public bill and that the amendment offered is germane to it.

857. A bill, the beneficiaries of which, though readily ascertainable, were designated as a class, was classed as a private bill.

On April 15, 1910,² the House was considering, in the Committee of the Whole House, bills on the Private Calendar, when the following bill (H. R. 21225) for the relief of persons supplying labor and material for the construction of the Bellefourche irrigation project was reached:

Be it enacted, etc., That all persons having supplied labor and materials for the prosecution of the work of making the main canal of the Bellefourche irrigation project under the contract for the construction thereof, entered into by Widell-Finley Company, under date of April 26, 1905, pursuant to advertisement for said contract, dated February 10, 1905, and their assigns and legal representatives, are hereby given the full rights and remedies afforded to persons supplying labor and materials in the prosecution of public works, as set forth in the act of August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," to the same force, extent, and effect as if the act had not been amended, modified, or repealed, with full right of action in the name of the United States for his or their use and benefit against said contractors and sureties upon the bond furnished to the United States under the said contract: *Provided*, That such action and its prosecution shall involve the United States in no expense.

Mr. James R. Mann, of Illinois, made the point of order that this bill was either improperly on the Private Calendar or was improperly reported by the Committee on Irrigation of Arid Lands.

¹ Philip P. Campbell, of Kansas, Chairman.

² Second session Sixty-first Congress, Record, p. 4758.

The Chairman¹ ruled:

While this bill does not name specific beneficiaries, or the parties who can have their claims adjusted under it, yet they are designated as a collection of people who can readily be ascertained. They are not named as a general class. It has been held that a battalion of soldiers was to be considered as the beneficiaries under a private bill. The Chair therefore overrules the point of order as to that. As to the second point of order, raised by the gentleman from Illinois, that the Committee on Irrigation of Arid Lands has no jurisdiction, the Chair calls the attention of the gentleman from Illinois to the last clause in the bill, which specifically provides that such action and its provisions shall involve the United States in no expense.

The Chair overrules the point of order made on the second proposition.

858. A bill for the relief of a tribe of Indians was classed as a private bill.

On May 4, 1910,² during a call of the committees, Mr. Charles H. Burke, of South Dakota, from the Committee on Indian Affairs, called up the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians in the State of Michigan.

Mr. Sereno E. Payne, of New York, made the point of order that the bill was a private bill and improperly on the House Calendar.

The Speaker³ sustained the point of order and directed that the bill be placed on the Private Calendar.

859. A bill for the benefit of an individual, though dealing with Government property, is classed as a private bill.

Bills erroneously referred to calendars are transferred to the proper calendar by direction of the Speaker.

On June 20, 1921,⁴ during the call of the Calendar for Unanimous Consent, the bill (H. R. 2861) authorizing the Secretary of War to grant rights to overflow land on a military reservation, was called.

Mr. William H. Stafford, of Wisconsin, raised the question of order that the bill was a private bill and improperly on the Union Calendar.

The Speaker pro tempore⁵ decided:

The gentleman from Wisconsin makes the point of order that the bill H. R. 2861, which has been reported by title, which authorizes the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes, is improperly upon the Union Calendar, because it is a private bill.

It is at times difficult to draw the line between bills of this character under the rules and to determine whether or not they belong upon one calendar or another. The Chair has examined the provisions of this bill, and in the view of the Chair the legislation proposed is such as to grant certain rights and privileges to an individual, and as an incident to that grant or benefit which is to be conferred certain powers are given to the Secretary of War, authorizing him to require the fulfillment of certain conditions and to require the beneficiaries to fill in some land or to erect certain structures made necessary by the grant of the particular privilege or benefit to the individual named in the bill. The Chair finds on examining the precedents that in the Fifty-ninth

¹ Philip P. Campbell, of Kansas, Chairman.

² Second session Sixty-first Congress, Record, p. 5791.

³ Joseph G. Cannon, of Illinois, Speaker.

⁴ First session Sixty-seventh Congress, Record, p. 2764.

⁵ Joseph Walsh, of Massachusetts, Speaker pro tempore.

Congress, the Speaker ruled upon the question as to what calendar certain bill similar in import to this belonged.¹

Mr. Speaker Cannon at that time stated that it had been the practice in Parliament and also in Congress to consider as private bills such as are for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality.

To be a private bill, it must not be a general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier's widow is a private bill, but a bill granting pensions to such persons as a class instead of as individuals is a public bill.

The Chair has examined the citation to which the gentleman has referred, and feels that while this bill contains general provisions, the reason the general provisions are contained in the bill is because legislation is proposed granting a certain thing or benefit to an individual, and not to any particular class or any particular community. The right granted is for the benefit of Mr. Lloyd Gandy, of Spokane, Wash., or his heirs or assigns. While it is true it affects the military reservation or other Government property, the Chair feels that the bill clearly comes within the rule requiring that bills for the benefit or rights of certain individuals should be treated as private in their character.

The Chair sustains the point of order, and the bill is automatically transferred to the Private Calendar.

860. A private bill for the benefit of a collection of individuals, ascertainable by name, may not be amended so as to extend its provisions to a class of individuals not definitely ascertainable.

An amendment, which adopted would constitute a public bill, is not germane to a private bill.

On April 23, 1910,² the House was considering bills on the Private Calendar in the Committee of the Whole House.

During the consideration of the bill (S. 3638) for the payment of overtime claims of certain letter carriers, Mr. D. R. Anthony, jr., of Kansas, offered the following amendment:

And that all similar claims of government employees for overtime under the eight-hour law, and which are now barred by the statute of limitations, are hereby referred to the Court of Claims for adjudication.

Mr. James R. Mann, of Illinois, raised a point of order against the amendment. The Chairman³ ruled:

The bill under consideration is a private bill that provides relief to certain designated persons. The amendment offered by the gentleman from Kansas seeks to attach to the bill under consideration a general provision of law extending rights to a general class for similar character of relief.

The precedents are uniform that you can not insert a general provision of law as an amendment to a bill providing for the relief of a single individual.

The Chair directs attention to the fifth volume of Hinds' Precedents, paragraph 5843, in which is found the following language:

"To a bill for the benefit of a single individual or corporation an amendment embodying general provisions applicable to the class represented by the individual is not germane."

Also to paragraph 5845:

"On April 12, 1850, the bill from the Senate (No. 128) for the relief of Margaret L. Worth, widow of the late General Worth, of the Army of the United States, having been read a first and

¹ Hinds' Precedents, volume III, section 2614.

² Second session Sixty-first Congress, Record, p. 5288.

³ William H. Stafford, of Wisconsin, Chairman.

second time, Mr. George W. Jones, of Tennessee, moved to amend the same by adding thereto a general provision of law of similar import."

The Speaker decided that that amendment was out of order on the ground that the bill provided for the relief of a single individual and the amendment sought to attach a general provision of law. The fact that the pending bill provides relief for a large number of persons named therein does not change its character as a private bill, and is in the same class as though it provided relief for a single person. The pending bill provides for a collection of individuals, definitely ascertainable by name, and to it may not be added by way of amendment a general provision for a class of persons not definitely ascertainable by name.

Under these precedents there is no question but what the amendment is out of order, and the Chair so rules. The point of order is sustained.

861. A bill transferring title of public lands to a private corporation was classed as a private bill.

On February 24, 1908,¹ by direction of the Speaker,² reference of the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Co., was changed from the Union Calendar to the Private Calendar.

862. A bill authorizing an exchange of Government-owned land was held to be a public bill.

On February 7, 1910,³ by direction of the Speaker,² the reference of the bill (H. R. 19558) to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Co., of Louisville, Ky., was transferred from the Private Calendar to the Union Calendar.

863. The reference of a bill, or a change in the reference of a bill, by the Speaker does not preclude the point of order, when called up for consideration, that it has been improperly referred.

The point of order that a bill is on the wrong calendar may be raised at any time before consideration begins.

A bill authorizing a credit in the accounts of a Federal official was classed as a private bill.

On March 2, 1910,⁴ the bill (H. R. 13517) authorizing a credit in certain accounts of the Treasurer of the United States, was held to be a private bill, and by direction of the Speaker was transferred from the Union Calendar to the Private Calendar.

However, on May 13,⁵ when the bill was called up during consideration of bills on the Private Calendar in the Committee of the Whole House, Mr. Courtney W. Hamlin, of Missouri, made the point of order that it was improperly on the Private Calendar and was not entitled to consideration as a private bill.

Mr. John J. Fitzgerald, of New York, having raised a question as to whether the point of order could be entertained, the Chairman⁶ held that the question of

¹First session Sixtieth Congress, Record, p. 2416.

²Joseph G. Cannon, of Illinois, Speaker.

³Second session Sixty-first Congress, Record, p. 1560.

⁴Second session Sixty-first Congress, Record, p. 2648.

⁵Record, p. 6234.

⁶David J. Foster, of Vermont, Chairman.

reference to the proper calendar was in order when the bill was called up for consideration.

After further debate the Chairman said:

The Chair must judge of the purpose of the bill upon the facts that appear on the face of the bill, and as the Chair indicated at the start, the fact that this bill was transferred from the Union Calendar to the Private Calendar in the manner in which it was transferred, on the 2d day of March last, raises a strong presumption that the question raised now by the gentleman from Missouri was determined. But, aside from that, the Chair is firmly of the opinion from a reading of the bill that this is a private bill, being for the benefit of an individual. Whether the benefit intended is adequate is a question not for the Chair.

The Chair, therefore, overrules the point of order.

864. A bill granting an easement over public lands was held to be a public bill.

Discussion and distinction between public and private bills and method of introduction and reference.

On January 5, 1912,¹ when the Committee on the Public Lands was reached in a call of the committees, by direction of that committee it was proposed to call up the bill (J. R. 12572) for the relief of the Hydro-Electric Co., of California, granting that company right of way for a pipe line across certain Government lands.

Mr. James R. Mann, of Illinois, submitted a point of order, as follows:

I desire to make the point of order that the bill is incorrectly on the Private Calendar. Secondly, that the bill has never been properly introduced; that the Committee on the Public Lands that reported the bill never had jurisdiction of the bill and had no authority to report it.

Mr. Speaker, under the points of order which I have made the first question is whether this is a public bill or a private bill. The rules provide, in reference to public bills and private bills, that bills of a private nature shall be referred, when dropped in the basket, by the Member introducing them. Bills of a public nature shall be handed to the Speaker and by him referred. As a matter of fact the bills are dropped in the basket with a note upon the bill made by the introducer indicating what committee it shall be referred to. Public bills are dropped in the basket the same way but the Speaker refers them, usually through the parliamentary clerk.

This bill was introduced by the gentleman from California, Mr. Raker, as a private bill, and was referred by the gentleman from California to the Committee on the Public Lands. If it is a private bill, then it was properly before the Committee on the Public Lands, and that committee had a right to make a report, and the bill is properly upon the Private Calendar.

But if it is a public bill it was not introduced under the rules of the House, because it was not put where the Speaker had the reference of it. The committee acquired no jurisdiction over the bill; therefore it had no authority to report the bill. Even if it had authority to report the bill, it is not properly upon the Private Calendar.

It is perfectly patent that if this is a private bill and was erroneously referred by the gentleman who introduced it, the committee could have no jurisdiction; but if it is a public bill, and was erroneously referred by the gentleman who introduced it, and the Journal shows in this case it was referred by the gentleman who introduced it, does that confer jurisdiction upon the committee?

Now, in my judgment, this is a public bill, a bill of a public character. As we all know, the laws that we pass are printed as public and private laws. They are so published now in separate volumes of the statutes. As they are passed and issued they are marked "Public" and "Private." All laws of this character for years have been marked "Public laws" and "Private laws." At the last Congress an act was passed granting to the Hot Springs Street Railway Co., its successors and assigns, the right to maintain and operate its electric railway along the southern border of the Hot Springs Reservation, and so forth; a bill very similar to this bill, granting a right of way.

¹Second session Sixty-second Congress, Record, p. 685.

Various other bills granting rights of way were passed in the same Congress, all public laws. We pass innumerable bridge bills. They are all public bills and become public laws. We also pass great numbers of bills for the construction of dams. They run to individuals or to corporations, but they are all public bills, and if passed they all become public laws, because they are of a public character. This bill proposes to grant a right of way over the national domain to a company exactly of the same character as the bills which always have been held to be public bills and which, when passed, have been printed as public laws.

The Speaker¹ sustained the point of order, holding that the bill should be classed as a public bill, and referred it to the Union Calendar.

865. A bill to indemnify a foreign government for injury to its nationals was held to be a public bill.

On September 3, 1913,² Mr. Henry D. Flood, of Virginia, from the Committee on Foreign Affairs, asked unanimous consent for the consideration of the bill (H. R. 7384) to authorize the payment of an indemnity to the Italian Government for the killing of an Italian subject.

Mr. James R. Mann, of Illinois, reserved the right to object and made the point of order that the bill was a private bill and therefore was improperly on the Union Calendar.

The Speaker¹ said:

The bill which the gentleman from Virginia is endeavoring to bring before the House looks on its face very much like a private bill, but in another sense it is a matter of international comity, and the Italian Government has thought it of enough importance to make it a question with our Government. Therefore, the Chair overrules the point of order raised by the gentleman from Illinois.

866. On June 25, 1930,³ during a call of the Consent Calendar, the bill (H. R. 9702) authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of survivors of the U. S. S. *Cherokee*, was reached.

Mr. Fiorello H. LaGuardia, of New York, made a point of order that the bill was a private bill and therefore ineligible to consideration on the Consent Calendar.

The Speaker pro tempore⁴ overruled the point of order and said:

The gentleman from New York makes the point of order that this bill is not in order on the Consent Calendar. This bill authorizes the payment of an indemnity to the British Government.

The Chair will call the attention of the gentleman from New York to the fact that the title of the bill is "A bill for the payment of an indemnity to the British Government." The Chair overrules the point of order. Is there objection to the present consideration of the bill?

867. A bill to refund money to a municipality was classed as a private bill.

On May 6, 1914,⁵ the Speaker¹ announced that the bill (H. R. 9628) to refund to the corporate authorities of Frederick, MD., the sum of \$200,000 exacted of them

¹ Champ Clark, of Missouri, Speaker.

² First session Sixty-third Congress, Record, p. 4155.

³ Second session Seventy-first Congress, Journal, p. 16; Record, p. 11728.

⁴ Robert Luce, of Massachusetts, Speaker pro tempore.

⁵ Second session Sixty-third Congress, Record, p. 8178.

by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city, had by mistake been referred to the Union Calendar; that it was a private bill and should be referred to the Private Calendar.

868. A bill legalizing conveyance of real estate previously made was held to be a public bill.

On March 2, 1915,¹ by direction of the Speaker,² the bill (S. 5042) legalizing certain conveyances previously made by the Central Pacific Railroad Co. and others in the State of Nevada was transferred from the Private Calendar to the Union Calendar.

869. A bill authorizing payment for services rendered a Government bureau by a private agency was held to be a private bill.

A bill providing for individuals, corporations, or private institutions is classed as a private bill.

A general bill affecting classes as distinguished from individuals is a public bill.

Bills on the wrong calendar may be transferred to the proper calendar as of date of original reference by direction of the Speaker.

A point of order against the reference of bills to the calendars may be made at any time before consideration begins.

On March 17, 1930,³ the bill (H. R. 5917) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department was reached during the call of the Consent Calendar.

Mr. William H. Stafford, of Wisconsin, made the point of order that the bill was a private bill and for that reason was improperly on the Consent Calendar.

After debate the Speaker pro tempore⁴ sustained the point of order and said:

As the Chair understands the situation, this bill as originally drafted in slightly different form was on the Private Calendar. It was redrafted and then found its way to the Consent Calendar. Where a bill affects an individual, individuals, corporations, institutions, and so forth, it should and does go to the Private Calendar. Where it applies to a class and not to individuals as such, it then becomes a general bill and would be entitled to a place on the Consent Calendar. In the judgment of the Chair this bill, while affecting a class of concerns, specifies individuals, and for the purpose of the rule the Chair holds that the bill is improperly on this Calendar and transfers it as of the date of the original reference to the Private Calendar.

870. A bill conferring jurisdiction on the Court of Claims to hear and report on claims of Indian tribes against the United States was classed as a public bill.

A bill relating to a nation of Indians and not to Indians as individuals was held to be a public bill.

A bill authorizing payment of money held in the Treasury in trust for Indians is not such a charge against the Treasury as to require consideration in Committee of the Whole.

¹ Third session Sixty-third Congress, Record, p. 5186.

² Champ Clark, of Missouri, Speaker.

³ Second session Seventy-first Congress, Journal. p. 10; Record. p. 5454.

⁴ Earl C. Michener, of Michigan, Speaker pro tempore.

A bill providing for inquiry by the Court of Claims without conferring authority to render final judgment does not require consideration in the Committee of the Whole.

On February 4, 1931,¹ it being Calendar Wednesday, and the Committee on Indian Affairs being called, Mr. Scott Leavitt, of Montana, by direction of that committee, called up the bill (S. 3165) conferring jurisdiction on the Court of Claims to hear, consider, and report upon a claim for the Choctaw and Chickasaw Indian Nations or Tribes for fair and just compensation for the remainder of the leased district lands.

Mr. William H. Stafford, of Wisconsin, made the point of order that the bill was not eligible to consideration on Calendar Wednesday, first, because it was a private bill, and, second, because it was not properly on the House Calendar in that it provided a charge against the Treasury. In support of his contention, Mr. Stafford called attention to the section of the bill reading as follows:

SEC. 3. There is hereby authorized to be expended, out of any money or moneys now standing to the credit of the Choctaw and Chickasaw Indian Nations or Tribes in the Treasury of the United States, the sum of not to exceed \$5,000, to be paid, in the discretion of the Secretary of the Interior for the reimbursement of said attorneys.

After debate the Speaker pro tempore² overruled the point of order and said:

The gentleman from Wisconsin makes two points of order: First, that this is a private bill and is, therefore, on an improper calendar; that it should be on the Private Calendar. As the Chair recollects the law, the United States deals with the Choctaw and Chickasaw Tribes as nations and through treaties. Therefore this bill deals with the Indians as a nation and not with Indians as individuals. The Chair believes that this is a public bill and is properly on the Public Calendar, and overrules that point of order.

So far as the second point of order is concerned, the gentleman from Wisconsin contends that this bill authorizes an appropriation of money out of the Federal Treasury, and, therefore, is improperly on the House Calendar. It seems to the Chair that section 3 makes it clear that—

“There is hereby authorized to be expended, out of any money or moneys now standing to the credit of the Choctaw and Chickasaw Indian Nations or Tribes in the Treasury of the United States”—

And so forth. There must have been previous legislation in reference to this matter in order to place this money in the Treasury of the United States in trust for the Indians. That act has already taken place, and this money stands to-day in the Treasury of the United States subject to the legal demand of these tribes. This bill simply provides a way whereby this money-set aside in the Treasury of the United States for these particular tribes—may be expended.

Mr. Stafford then submitted the further point of order that the bill by conferring authority on the court to adjudicate claims against the Government thereby provided for a charge against the Treasury, if in the adjudication of such claims a judgment should be handed down against the United States.

The Speaker pro tempore said:

The gentleman from Wisconsin has made an additional point of order, the Chair having already overruled two points of order. In ruling on the third point of order the Chair would refer to Rule XXIII, clause 3, which reads as follows:

¹ Third session Seventy-first Congress, Journal, p. 515; Record, p. 3969.

² Earl C. Michener, of Michigan, Speaker pro tempore.

“All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.”

The Chair therefore thinks that unless some further facts are developed the Chair should sustain the point of order.

Mr. William W. Hastings, of Oklahoma, submitted:

There is no provision in the bill where any judgment is authorized, and the Chair will find that where any claim is pending before either House, other than a pension claim, under this section¹ of the Judicial Code it may be referred upon a resolution of either the Senate or House in which the claim is pending, to the Court of Claims for findings of fact and conclusions of law, and a report made to the Congress. This bill does not authorize a judgment, it does not contemplate a judgment, it does not ask a judgment; but simply refers the claim to the Court of Claims for a report back of findings for the guidance of the committees of Congress, and no judgment is authorized under this bill.

The Speaker pro tempore differentiated:

There is a distinction between referring a claim with authority to render final judgment and referring a claim for the purpose of ascertaining the facts, the matter later to be passed upon by the Congress. The Chair, in ruling a few moments ago, had in mind clause 3 of Rule XXIII, standing alone. The gentleman from Oklahoma has called the Chair's attention to the first provision of the bill, which reads:

“That the Court of Claims is hereby authorized and directed to hear and inquire into the claims of the Choctaw and Chickasaw Indian Nations.”

And to report back. Therefore the Chair feels that this bill does not come within the provisions of clause 3 of Rule XXIII, and overrules the point of order.

871. A bill transferring to a water users' association the operation and maintenance of an irrigation project financed by the Government, without relinquishing the lien of the Government for funds expended, was held to be a private bill.

On January 19, 1931,² Mr. Edward T. Taylor, of Colorado, moved to suspend the rules and pass the bill (H. R. 14916) for the relief of the Uncompahgre reclamation project.

The bill authorized the transfer of the care, construction, operation, and maintenance of an irrigation reclamation project, on which the Government had expended approximately \$7,000,000, to an association organized by the water users on the project without compromising the right of the Government to reimbursement for its expenditures.

The question as to the reference of the bill to the proper calendar having been raised, the Speaker³ said:

This bill is on the Private Calendar. It is not the custom of the Chair as a rule to recognize a Member to move to suspend the rules and pass bills on the Private Calendar. However, this

¹ Section 151, vol. 44, pt. 1, p. 898.²

² Third session Seventy-first Congress, Record, p. 2609.

³ Nicholas Longworth, of Ohio, Speaker.

differs very substantially from most such bills. As the Chair understands it, it deals with a very large project, and a very large number of people are interested in it. The Government itself is interested in it according to the information the Chair received from the Secretary.

The Chair thinks it is properly on the Private Calendar. It deals with only one project, but it is a large one, and there is great interest both on the part of the Government and a large number of people. The Clerk will report the bill.

872. The second and fourth Mondays of each month are set apart for business presented by the Committee on the District of Columbia.

Form and history of section 8 of Rule XXIV.

Section 8 of Rule XXIV provides—

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

This rule was formerly section 3 of Rule XXVI. In the revision of 1911¹ provisions designating certain days of the week for the consideration of classes of business were grouped in one rule relating to the order of business, and this section was transferred without amendment from Rule XXVI to Rule XXIV, where it has been retained unchanged with the exception of the limitation imposed in 1932² giving precedence to motions to discharge committees.

873. On a District of Columbia day it is in order to call up for consideration a private bill reported by the Committee on the District of Columbia.

On May 26, 1930,³ a District of Columbia day, Mr. Clarence J. McLeod, of Michigan, proposed to call up the bill (H. R. 3048) to exempt from taxation certain property of the National Society of Sons of the American Revolution, in the District, of Columbia.

Mr. William H. Stafford, of Wisconsin, objected that it was not in order to call up a bill on the Private Calendar on a District of Columbia day.

The Speaker pro tempore⁴ cited section 3310 of Hinds' Precedents and said:

The Chair will state that while the gentleman from Michigan asked unanimous consent to take up the bill, the Chair did not put the request in that manner. The gentleman is privileged on District day to call up a bill on the Private Calendar.

874. On District of Columbia days debate in the Committee of the Whole is not limited and, unless otherwise provided by the House or the Committee, a Member securing the floor is recognized for one hour.

On April 9, 1928,⁵ it being a District of Columbia day, the House bill (H. R. 16) to regulate osteopaths in the District of Columbia was under consideration in the Committee of the Whole House on the state of the Union. During the debate Mr. Carl E. Mapes, of Michigan, addressed the Chairman and was recognized for one hour.

¹ First session Sixty-second Congress, Record, pp. 18, 80.

² First session Seventy-second Congress, Record, p. 83.

³ Second session Seventy-first Congress, Record, p. 9607.

⁴ Carl R. Chindblom, of Illinois, Speaker pro tempore.

⁵ First session Seventieth Congress, Record, p. 6121.

Mr. Thomas L. Blanton, of Texas, submitted that recognition could not be given for an hour for the reason that debate on District day was limited to two hours, and more than an hour had already been consumed.

The Chairman¹ overruled the objection and said:

The Chair will state that there is no such rule. That is on Calendar Wednesday. The gentleman from Michigan is recognized.

875. Debate on District Monday is general debate and is not confined to the bill under consideration.

Members of the committee on the District of Columbia have precedence in recognition for debate on days claimed by the committee for the consideration of District business.

Debate in the Committee of the Whole on District day properly alternates between those favoring and those opposing the pending proposition and to insure alternation the chairman sometimes ascertains the attitude of Members seeking recognition.

On Monday, April 11, 1932,² a day claimed by the Committee on the District of Columbia for the consideration of District of Columbia business, the Committee of the Whole House on the state of the Union had under consideration a bill relating to the construction and use of certain pipe lines in the District of Columbia.

Mr. Jeff Busby, of Mississippi asked recognition in opposition to the pending bill.

The Chairman³ inquired:

Is any member of the committee opposed to the bill?

Mr. William H. Stafford, of Wisconsin, asked as a parliamentary inquiry, if it was necessary for a Member to oppose the bill in order to secure recognition.

The Chairman replied:

From the Chair's experience, gained through having been a member of this committee for over 10 years, he will state that where a bill is called up for general debate on District day in the Committee of the Whole House on the state of the Union, and the chairman of the committee has yielded the floor, a member of the committee opposed to the bill is entitled to recognition over any other member opposed to the bill, and it was the duty of the Chair to ascertain whether there were any members of the committee opposed to the bill who would be entitled to prior recognition. The Chair having ascertained there were no members of the committee opposed to the bill, took pleasure in recognizing the gentleman from Mississippi.

Mr. Stafford further inquired if Members who were recognized for debate on days set apart under the rule for District of Columbia business, were required to confine their remarks to the pending bill.

The Chairman said:

Not on District day. The general debate on District day is the same as general debate on any supply measure.

876. The motion to go into Committee on the Whole to consider revenue and general appropriation bills is in order on Monday as on other days.

¹ Carl R. Chindblom, of Illinois, Chairman.

² First session Seventy-second Congress, Record, p. 7990.

³ Thomas L. Blanton, of Texas, Chairman.

On January 23, 1922,¹ it being the fourth Monday of the month, after the disposal of business on the Speaker's table, Mr. William R. Wood, of Indiana, from the Committee on Appropriations, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the independent offices appropriation bill.

Mr. Thomas L. Blanton, of Texas, made the point of order that the motion was not in order.

The Speaker² called attention to the well-established privilege of motions to go into the Committee of the Whole for the consideration of revenue and general appropriation bills, and its application on Mondays devoted to District of Columbia business, as on other days, and overruled the point of order.

877. On a District of Columbia day a motion to go into the Committee of the Whole to consider District business and a motion to go into the Committee to consider business generally privileged under a special order are of equal privilege, and recognition to move either is within the discretion of the Chair.

On May 23, 1928,³ it being the fourth Monday of the month, following the reading and approval of the Journal, Mr. Frank R. Reid, of Illinois, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, privileged under the following special order:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3740, an act for the control of floods on the Mississippi River and its tributaries, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 12 hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Fiorello H. LaGuardia, of New York, as a parliamentary inquiry, submitted that under the rule the day should be devoted to business presented by the Committee on the District of Columbia.

The Speaker⁴ said:

The Chair thinks not. It is merely in order to call up District business. If the chairman of the Committee on the District of Columbia should call up any bills to-day he would have exactly the same right theoretically that the gentleman from Illinois would have if he desires to call up the flood control bill. It would be in the discretion of the Chair which he would recognize.

878. On Monday, January 25, 1932,⁵ Mrs. Mary T. Norton, of New Jersey from the Committee on the District of Columbia, by direction of that committee,

¹ Second session Sixty-seventh Congress, Record, p. 1585.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ First session Seventieth Congress, Record, p. 6999.

⁴ Nicholas Longworth, of Ohio, Speaker.

⁵ First session Seventy-second Congress, Record, p. 2656.

called up the bill (H. R. 5341) to provide for the incorporation of the District of Columbia Commission, George Washington Bicentennial.

After debate, Mrs. Norton moved the previous question which, on division, was refused by the House.

Thereupon, the Speaker¹ recognized Mr. James P. Buchanan, of Texas, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Department of Agriculture appropriation bill.

879. Business unfinished on a District of Columbia day does not come up on the next District day unless called up.

On Monday, May 22, 1922,² a day devoted to business reported from the Committee on the District of Columbia, Mr. Loren E. Wheeler, of Illinois, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2919) to extend the District of Columbia rents act.

Mr. Frank C. Millspaugh, of Missouri, made the point of order that the unfinished business was the pawnbroker's bill and should first be disposed of.

The Speaker pro tempore³ overruled the point of order.

880. On May 9, 1932,⁴ the second Monday of the month, and a day subject to claim for the consideration of District of Columbia business under the rule, Mrs. Mary T. Norton, of New Jersey, chairman of the Committee on the District of Columbia, asked unanimous consent for the consideration of the concurrent resolution (S. Con. Res. 27) relating to fraternal insurance in the District of Columbia.

Mr. William H. Stafford, of Wisconsin, as a parliamentary inquiry, submitted that the unfinished business under the rule, providing for the consideration of District of Columbia business, was the joint resolution (H. J. Res. 154) providing for the merger of the street-railway systems of the District of Columbia, which was under consideration when the House adjourned on the fourth Monday preceding and was entitled to preference when that class of business was again in order.

The Speaker¹ overruled the contention and said:

The Chair thinks not, because a motion to consider it is necessary. Whenever a motion is required, the unfinished business has no precedence over any other business.

The gentlewoman from New Jersey asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

¹ John N. Garner, of Texas, Speaker.

² Second session Sixty-seventh Congress, Record, p. 7410.

³ Joseph Walsh, of Massachusetts, Speaker pro tempore.

⁴ First session Seventy-second Congress, Record, p. 9836.